

AMENDED IN SENATE JULY 2, 2014  
AMENDED IN SENATE JUNE 18, 2014  
AMENDED IN ASSEMBLY MAY 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1548**

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**Introduced by Assembly Member Mullin**  
**(Coauthor: Assembly Member Ting)**  
(Coauthor: Senator Hill)

January 27, 2014

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An act to amend Sections 99152 and 99153 of, and to add and repeal Section 99160.7 of, the Education Code, relating to standardized tests.

LEGISLATIVE COUNSEL'S DIGEST

AB 1548, as amended, Mullin. Standardized tests: reports.

Existing law imposes various requirements on a test agency, as defined, with respect to the administration of standardized tests for purposes of postsecondary education, and requires a test sponsor to submit certain information and data to the California Postsecondary Education Commission. A test agency that intentionally violates any of those provisions is subject to a civil penalty not to exceed \$750 for each violation. Existing law authorizes a test agency to cancel or invalidate a test score where substantial evidence exists to support cancellation or invalidation of the test score.

This bill would require a test sponsor to also submit specified information that is required to be submitted to the California Postsecondary Education Commission, *or its successor entity*, to the Superintendent of Public ~~Instruction and the Legislature~~, *Instruction*, and would authorize the submission of that information in digital format.

The bill would, until January 1, 2017, require a test agency to submit a report, on or before March 1 of each year, to the Superintendent of Public Instruction and to the Legislature that contains specified information on test scores that were canceled or invalidated in the prior year.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 99152 of the Education Code is amended  
2 to read:

3 99152. Each test sponsor shall report the closing date of its  
4 testing year to the ~~commission~~, *commission, or its successor entity,*  
5 ~~and the Superintendent of Public Instruction, and the Legislature,  
6 *Instruction* by February 1, 1985, or within 90 days after it first  
7 becomes a test sponsor, whichever is later. Each test sponsor shall  
8 report any change in the closing date of its testing year within 90  
9 days after the change. The report may be submitted in a digital  
10 format.~~

11 SEC. 2. Section 99153 of the Education Code is amended to  
12 read:

13 99153. On or before November 15 of each year, the test sponsor  
14 shall submit to the ~~commission~~, *commission, or its successor entity,*  
15 ~~and the Superintendent of Public Instruction, and the Legislature~~  
16 *Instruction* all of the following data and information:

17 (a) Three copies of each version of the test that was disclosed  
18 in the prior testing year, along with the corresponding acceptable  
19 answers, and the methods used to convert raw scores into the test  
20 scores reported to test subjects and test score recipients, together  
21 with an explanation of that method.

22 (b) The dates of major or national administration of each test  
23 administered by the test agency during the testing year.

24 (c) The total number of test subjects who have taken the test  
25 once, who have taken it twice, and who have taken it more than  
26 twice during the testing year.

27 (d) The total number of test subjects who registered for, but did  
28 not take, the test.

29 (e) The total amount of fees received from test subjects by the  
30 test agency for the test for that testing year.

1 (f) The expenses to the test sponsor of the test, as follows:

2 (1) Those expenses that are directly attributable to the test.

3 (2) Those expenses that are indirectly attributable to the test.

4 However, if the test sponsor also sponsors another test or related  
5 activities, it shall be sufficient for compliance with this section for  
6 the test sponsor to list indirectly attributable expenses, to the extent  
7 that they are identifiable, as they are proportionately related to the  
8 test. The test sponsor shall also list expenses indirectly attributable  
9 to all activities of the test's sponsor, including expenses not  
10 identifiable as attributable to a test.

11 The financial disclosure required by this section shall be  
12 submitted within 135 days after the close of the testing year and  
13 in sufficient detail to indicate the major categories of revenues and  
14 expenses associated with the test. Except as provided in this  
15 section, the information for different tests administered by the  
16 same test sponsor shall be reported separately and by individual  
17 test.

18 (g) A copy of all documents, pamphlets, and literature provided  
19 to the test subject and the test score recipient.

20 (h) Where applicable, the national average test scores, state  
21 average test scores, the standard error of measurement, and any  
22 other existing information relevant to a comparison of the test  
23 scores of the state's test subjects with test scores of previous test  
24 subjects of the past five years.

25 (i) For those tests used to predict academic performance, the  
26 most recent national or regional aggregation of data concerning  
27 the predictive validity of all of the following:

28 (1) Academic record or grades alone.

29 (2) Standardized test score alone.

30 (3) Academic record and test score combined.

31 (4) Standardized test scores over and above the predictive  
32 validity of academic record alone.

33 (j) Using available data, the racial, ethnic, and sex breakdown  
34 of all test subjects taking each test during the testing year.

35 (k) If a separate fee is charged test subjects for admissions data  
36 assembly service, the test sponsor shall report information  
37 concerning the data assembly service in substantially the same  
38 form as would be required for a test under this section.

39 (l) The test sponsor shall also supply to the commission any  
40 other information mutually identified by the commission and the

1 test sponsor that will be reasonably available and helpful in either  
2 (1) assessing the state's progress in increasing the number of  
3 Hispanic, Black, or American Indian students who graduate from  
4 high school eligible to enroll in either the University of California  
5 or the California State University or (2) developing strategies to  
6 involve the testing companies in cooperative actions with schools,  
7 colleges, and universities to expand access to college for Hispanic,  
8 Black, and American Indian students.

9 (m) This section shall not be construed to require any test agency  
10 to submit to the commission any reports or documents containing  
11 information relating to any individual test subject. Any information  
12 relating to any individual test subject shall be deleted or obliterated  
13 from any reports or documents filed with the commission pursuant  
14 to this section.

15 (n) This section shall not apply to any standardized test that is  
16 administered to fewer than 3,000 test subjects in California during  
17 a testing year.

18 (o) The information required to be submitted pursuant to this  
19 section may be submitted in a digital format.

20 SEC. 3. Section 99160.7 is added to the Education Code, to  
21 read:

22 99160.7. (a) On or before March 1 of each year, a test agency  
23 shall submit a report to the Superintendent of Public Instruction  
24 and to the Legislature that contains all of the following information  
25 for the prior year:

26 (1) The number of test scores for each type of standardized test  
27 that were canceled or invalidated.

28 (2) The reasons the test scores were canceled or invalidated,  
29 including, but not limited to, irregular test administration, irregular  
30 statistical data, or cheating.

31 (b) A report submitted pursuant to this section shall not include  
32 specific or identifiable information on the test subjects.

33 (c) This section shall remain in effect only until January 1, 2017,  
34 and as of that date is repealed, unless a later enacted statute, that  
35 is enacted before January 1, 2017, deletes or extends that date.